

**Remarks****Status of the Claims**

With this Amendment claims 1-6, 12-13 and 16-19 have been cancelled, and claims 7, 9, 11, 14, and 15 have been amended. Claims 7-11, 14, and 15 are pending. Support for the instant Amendment can be found throughout the specification and claims as originally filed, e.g., in original claims 7-12, 14-15, and 18-19. No new matter has been added.

**Restriction Requirement**

The Examiner has determined that 10 distinct inventions are contained in this application, namely:

Group I, claims 1-6, and 16, allegedly drawn to a method of producing (S)-2-pentanol or (S)-2-hexanol;

Group II, claim 7, allegedly drawn to a method of producing (R)- or (S)-3-methyl carboxylic acid;

Group III, claim 8, allegedly drawn to a method of producing (R)- or (S)-1-methylalkyl malonic acid;

Group IV, claims 9 and 10, allegedly drawn to (R)- or (S)-1-methylalkyl malonic acid;

Group V, claims 11 and 13, allegedly drawn to a method for producing an optically active substance represented by formula 6;

Group VI, claims 12 and 17, allegedly drawn to a method for producing an optically active substance represented by formula 6;

Group VII, claim 14, allegedly drawn to a method for producing (R)-1-methylbutyl malonic acid or (R)-1-methylpentyl malonic acid;

Group VIII, claim 15, allegedly drawn to a method of producing (R)-3-methyl hexanoic acid or (R)-3-methyl heptanoic acid;

Group IX, claim 18, allegedly drawn to a method for producing (R)-1-methylbutyl malonic acid or (R)-1-methylpentyl malonic acid, using formula 9; and

Group X, claim 19, allegedly drawn to a method of producing (R)-3-methyl hexanoic acid or (R)-3-methyl heptanoic acid using formula 9.

### **Election**

In order to be responsive to the requirement for restriction, Applicants elect Group III, corresponding to claim 8. Applicants' election is with traverse.

### **Traverse**

Notwithstanding the election in order to be responsive to the Restriction Requirement, Applicants respectfully traverse the Examiner's requirement for restriction and election of species.

Applicants' traversal is on the grounds that the restricted claims share unity of invention. To even further emphasize the shared features of the present claims, Applicants have amended the claims herein.

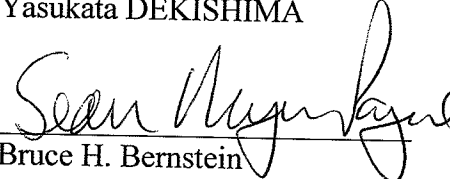
Applicants respectfully request the Examiner to reconsider and withdraw the election of species requirement. Even if the election requirement is initially maintained, if the elected claims are found to be allowable, reconsideration and rejoinder of the non-elected species is requested.

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Should the Examiner have any questions, please contact the undersigned at the telephone number provided below.

Respectfully submitted,  
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